




## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT <b>EMPLOYMENT FILES</b>	POLICY NO. <b>609.2</b>	EFFECTIVE DATE <b>12/01/03</b>	PAGE <b>1 of 2</b>
APPROVED BY:  Director	SUPERSEDES <b>609.2</b> <b>10/01/89</b>	ORIGINAL ISSUE DATE <b>4/2/79</b>	DISTRIBUTION LEVEL(S) <b>1</b>

### PURPOSE

- 1.1 To provide uniform guidelines for the organization, transfer, confidentiality and retention of Department of Mental Health (DMH) official Employment Files.

### DEFINITION

- 2.1 An Employment File is comprised of three separate folders: Official Employee Personnel Folder, Official Employee Accident Folder, and Payroll Folder.

### POLICY

- 3.1 DMH Human Resources Bureau (HRB) is responsible for the maintenance and security of Employment Files for each DMH employee while an employee is employed by DMH. DMH HRB is responsible to ensure that the contents are organized in compliance with the County of Los Angeles Department of Human Resources, Policies, Procedure and Guidelines (No. 210).
- 3.2 Employment Files maintained and secured by DMH HRB are designated as the only official files containing an employee's work history.
- 3.3 Employment Files are the sole property and responsibility of DMH. However, employees will be given reasonable access to their Employment Files under the supervision of authorized DMH HRB staff following written request to the DMH Personnel Officer.
- 3.4 Federal and State privacy laws provide that Employee Files are confidential. DMH will ensure that security is maintained and that access is limited to authorized individuals having a legitimate need to review them.
- 3.5 The following persons are authorized to access Employment Files:
  - The employee;
  - The employee's representative or agent and prospective employers, upon presentation of the employee's signed authorization;
  - The employee's supervisory chain of command, Departmental management and authorized HRB staff;



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- The Office of Affirmative Action Compliance pursuant to its investigation of a discrimination or sexual harassment complaint;
  - Agents of the County, such as third-party administrators of Workers' Compensation, Long-Term Disability, authorized representatives of the Director of Personnel or attorneys representing the County;
  - The Civil Service Commission or Director of Personnel as specified in Civil Service Rule 20.10; and
  - Agencies authorized by law to access personnel and payroll files and persons with a properly executed subpoena from a court or judicial body authorized to issue subpoenas.
- 3.6 A member of DMH HRB will be present at all times when an employee or other authorized person reviews an Employment File. Proper identification will be required prior to permitting any person to review an Employment File.
- 3.7 Employment Files will be retained while the employee is employed by DMH.
- 3.8 When an employee transfers to another County department, DMH will transmit the Personnel Folder and Accident Folder to the receiving department within ten (10) business days. DMH will obtain a receipt from the receiving department.
- 3.9 Employment Files will be maintained for five (5) years following an employee's termination of County service. After five (5) years the Employment Files will be destroyed.
- 3.10 Documents may be removed from an Employment File, or sealed, according to the provision of memorandums of understanding, to correct an inadvertent placement of a document or pursuant to a settlement agreement or court order.

### **AUTHORITY**

County of Los Angeles Department of Human Resources Policies, Procedures and Guidelines No. 210

### **REVIEW DATE**

This policy shall be reviewed on or before December 1, 2008.